

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA, : 16-CR-0640 (LB)
v. :
NORDLICHT, et al., : 225 Cadman Plaza East
Defendants. : Brooklyn, New York
: December 20, 2016
:

TRANSCRIPT OF CRIMINAL CAUSE FOR BOND
SIGNING FOR JOSEPH SANFILIPPO
BEFORE THE HONORABLE LOIS BLOOM
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

For the Defendant: KEVIN J. O'BRIEN, ESQ.
Ford O'Brien, LLP
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Court Transcriber: RUTH ANN HAGER, C.E.T.**D-641
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1 (Proceedings began at 2:33 p.m.)

2 THE CLERK: Okay. This is criminal cause for a bond
3 signing, USA versus -- hi -- Joseph Sanfilippo and the case
4 number is 16-CR-640. And present we have two proposed
5 sureties and also along with the defendant, Mr. Joseph
6 Sanfilippo, correct?

7 MR. O'BRIEN: Yes.

8 THE COURT: So the two proposed sureties, the
9 Judge -- we're on the record. It's being recorded, the
10 proceedings. The Judge is going to ask you both some
11 questions on the record, so I just need to swear you in before
12 we go forward. So can you please raise your right hand?

13 MARYANN SANFILIPPO, SWORN

14 PAUL SANFILIPPO, SWORN

15 THE CLERK: Thank you very much. Just say your name
16 for the record.

17 MR. P. SANFILIPPO: Paul Sanfilippo.

18 THE CLERK: Thank you.

19 MS. SANFILIPPO: Maryann [ph.] Sanfilippo.

20 THE CLERK: Thank you. Okay, Judge.

21 THE COURT: Mr. Sanfilippo, Ms. Sanfilippo, I'm
22 sorry for the circumstances that bring you to the court today.
23 As you understand, Mr. Joseph Sanfilippo was arrested
24 yesterday and brought before the Court. And in order for him
25 to be released the Court set a two million-dollar bond. The

1 two million-dollar bond sets additional conditions of his
2 release which include that he is limited to the following
3 areas: the Southern District and the Eastern Districts of New
4 York which are basically the counties around New York City,
5 including the five boroughs of New York City, the District of
6 New Jersey; that he is permitted to attend a family gathering
7 in Pennsylvania from 12/30 to 1/1/17. That was written into
8 the bond.

9 UNIDENTIFIED VOICE: Oh, I'm sorry, Judge. They had
10 brought this up to me. The date they took [indiscernible]
11 January 2nd and not January 1st because they want -- they did
12 ask me --

13 THE COURT: But there is no Government attorney here
14 and I don't know who the Pretrial person was. This raised
15 with the Government attorney?

16 UNIDENTIFIED VOICE: No. This was brought up to
17 Pretrial today before they signed.

18 THE COURT: Mr. Rollay [ph.], can I have you up here
19 for a moment?

20 UNIDENTIFIED VOICE: I think he got the wrong date.
21 I think that's what --

22 THE COURT: This case was on yesterday. This was
23 the platinum case and everybody was allowed out. I don't
24 think this is a problem but since there's nobody from that
25 case here presently, maybe you want to call one of the

1 attorneys, but I doubt it. He was permitted to attend a
2 family gathering in Pennsylvania, which is outside of where he
3 is going to remain for the rest of the time, which is
4 Southern, Eastern Districts of New York and New Jersey. But
5 he was permitted because there's a family gathering in
6 Pennsylvania to leave between 12/30 and 1/1/17.

7 However, he's now realized it isn't 1/1/17 when he's
8 coming back; it's 1/2/17. And since there's nobody from the
9 Government to ask, it's Mr. Base [ph.], and Miss -- I am
10 inclined to grant it unless you want to make a call and find
11 out if there's any reason not to grant it.

12 MR. ROLLAY: Your Honor, I would normally jump right
13 in, but because of the complexity of the case I will check
14 with the assistant who I know is available and --

15 THE COURT: Okay. So if you could just --

16 MR. ROLLAY: -- we'll put in a second call actually.

17 THE COURT: Well, actually I'll go on --

18 MR. ROLLAY: Sure.

19 THE COURT: -- with the sureeters, but before I make
20 that change I wanted to give them the option.

21 MR. ROLLAY: Thank you, Your Honor.

22 THE COURT: I don't think it will be a problem,
23 Mr. Sanfilippo, but this is how things work.

24 MR. J. SANFILIPPO: I understand.

25 THE COURT: That there have to be -- you know, you

1 have to give notice to the Government if you're asking for a
2 change on a modification. Okay?

3 MR. J. SANFILIPPO: Thank you, Your Honor. Yes.

4 THE COURT: So he shall avoid any contact with any
5 co-defendants, except in the presence of counsel. He cannot
6 speak to the investors. He does not have a passport and shall
7 not apply for a passport and he's placed under the express
8 supervision of Pretrial Services subject to random visits by
9 Pretrial Services and must report to Pretrial Services as
10 directed. Those are the conditions.

11 Where do you come in? In order for him to be
12 released, he was originally going to put his mom down because
13 you have young children and he wasn't sure if you'd be able to
14 come to work, Ms. Sanfilippo. But because you own the
15 properties that he's posting as collateral, he's posting the
16 properties at Fawn View Court in Freehold, New Jersey, and at
17 6664 Sedgwick Place. And you are owning those properties with
18 him, so he had no choice. He had to have you come down here
19 to sign.

20 How long have you been married, ma'am?

21 MS. SANFILIPPO: About 14 years.

22 THE COURT: And you understand that this will tie up
23 those properties? You will not be able to refinance them or
24 sell them while this matter is pending; do you understand
25 that?

1 MS. SANFILIPPO: Yes, I understand.

2 THE COURT: And Mr. Sanfilippo, I assume that you're
3 his brother?

4 MR. P. SANFILIPPO: Uncle.

5 THE COURT: His uncle.

6 MR. P. SANFILIPPO: Thank you.

7 THE COURT: Well, and so I assume you've known him
8 for a long time?

9 MR. P. SANFILIPPO: Yeah.

10 THE COURT: So you're his dad's brother?

11 MR. P. SANFILIPPO: Yeah.

12 THE COURT: And you're being asked to sign this
13 bond. It's a two million-dollar bond. What do you do for a
14 living, sir?

15 MR. P. SANFILIPPO: I'm retired.

16 THE COURT: And what was your source of income
17 before you --

18 MR. P. SANFILIPPO: I was a bus operator.

19 THE COURT: So --

20 MR. P. SANFILIPPO: With the Transit Authority.

21 THE COURT: So even though I am confident you made a
22 nice living as a bus operator, you understand that if for any
23 reason Mr. Sanfilippo was to violate this order, try to leave,
24 that the Government would have your signatures on this paper,
25 this would be entered as a two million-dollar judgment against

1 you, and they would be able to -- they would be able to come
2 after you for the full amount of the bond?

3 Thank you, Ms. Yun [ph.]. Mr. Base [ph.] is on the
4 phone and he says he's consents to the date change.

5 THE CLERK: Oh, did you want to put him --

6 THE COURT: Mister --

7 THE CLERK: -- [indiscernible].

8 I'm just going to put you on the record. The Judge
9 is just going to ask you that question, okay? Hold on.

10 THE COURT: Mr. Base?

11 THE CLERK: Winston?

12 MR. BASE: Yes.

13 THE CLERK: Okay.

14 THE COURT: So I'm going to be able to change the
15 date that Mr. Sanfilippo is able to attend the gathering to
16 1/2/17, Mr. Base?

17 MR. BASE: That is correct, Your Honor. I'm fine
18 with that.

19 THE COURT: Thank you very much. That's all I
20 needed you for. Thank you very much.

21 MR. BASE: Thank you, Judge.

22 THE CLERK: Thanks. Bye.

23 THE COURT: Okay. So I'm changing that and then
24 initialing next to it that I made that change today.

25 So getting back to both of you, you both understand

1 that if for any reason he doesn't live up to his obligation to
2 come back to the Court that the Court will be able to go after
3 him, but at that point you will both be on the hook for the
4 full amount of the bond, which is two million dollars.

5 Mr. Sanfilippo, do you still want to sign this bond?

6 MR. P. SANFILIPPO: Yes.

7 THE COURT: And Mrs. Sanfilippo, do you still want
8 to sign the bond?

9 MS. SANFILIPPO: Yes.

10 THE COURT: Then I'm just going to ask, Pretrial,
11 can you just show this to Mr. Sanfilippo?

12 UNIDENTIFIED VOICE: Sure.

13 THE COURT: Is this your signature on this page,
14 sir?

15 MS. SANFILIPPO: Yes.

16 MR. P. SANFILIPPO: Yes.

17 THE COURT: Thank you. Then you both may be seated.
18 I'm going to initial next to your signatures that I had you
19 swear to -- that these were your signatures in court and that
20 you understand the conditions as set forth and so you have
21 satisfied the conditions as set forth on the bond. You have
22 to continue to cooperate with Pretrial Services, come back to
23 court whenever you're directed to do so, and abide by all the
24 other conditions. But for today this matter is adjourned.
25 Thank you very much.

1 MR. P. SANFILIPPO: Thank you.

2 THE CLERK: I'll make you copies.

3 MR. P. SANFILIPPO: Merry Christmas.

4 MS. SANFILIPPO: Thanks so much.

5 THE CLERK: Thank you, Judge.

6 (Proceeding concluded at 2:41 p.m.)

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1 I certify that the foregoing is a court transcript
2 from an electronic sound recording of the proceedings in the
3 above-entitled matter.

Richard H. Sager

Ruth Ann Hager, C.E.T.**D-641

8 Dated: January 4, 2017

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